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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,773	12/24/2003	Hsin-Po Hsieh	MR929-946	9467
4586	7590	02/27/2006	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			WITCZAK, CATHERINE	
			ART UNIT	PAPER NUMBER
			3767	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/743,773	Applicant(s) HSIEH ET AL.	
	Examiner Catherine N. Witczak	Art Unit 3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/18/04</u> . | 6) <input type="checkbox"/> Other: _____ |

 2/16/06

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the connected and unconnected sides of the flange and retainer and the bottom of the flange must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:


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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 5, 6, 7, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Perez et al (US 2002/0045864).

Claim 1: Perez et al disclose in Figures 2, 3 and 4 a syringe comprising a hollow barrel (92), a finger flange (96), a plunger (98), a needle hub (94), a needle (95); a syringe safety sleeve comprising: an outer sleeve (60) having open proximal (62) and distal (63) ends, locking members (71) formed on the proximal end; and an inner sleeve (20) mounted inside the outer sleeve, having an outwardly tapered open proximal end (24) connected to the outer sleeve, a locking unit (42) formed on the proximal end, and a barrel connector (50) formed on an open distal end (22).

Claim 2: Perez et al disclose in Figure 3 the locking member (71) in the outer sleeve (60) is multiple protrusions extending inward from the open proximal end (62).

Claim 4: Perez et al disclose in Figure 3a the open distal end (63) of the outer sleeve (60) being tapered inward.

Claim 6: Perez et al disclose in Figures 17A-D a flange (250) comprising a center (251), connected and unconnected sides, and bottom, and a central hole (251); a retainer (260) comprising connected and unconnected sides, a notch (262), and multiple fasteners (264) selectively attached to the flange (250); and a hinge (261) pivotally connected to the retainer (260).

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Claim 7: Perez et al disclose in Figures 17A-D the barrel connector flange (250) having multiple fastener holders (266) formed near the unconnected side.

Claim 17: Perez et al disclose in paragraphs 0135 and 0136 the hinge (261) being a mechanical hinge.

Claim 18: Perez et al disclose in paragraphs 0135 and 0136 the hinge (261) being a flexible tab.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perez et al as modified by Jansen et al (US 2004/186440).

Perez et al disclose the claimed invention except for the out sleeve having a recessed annular rib corresponding to a locking member. Jansen et al disclose in Figure 2 the outer sleeve (200) having an annular ring (32) corresponding to a locking member to provide a structure to lockingly retain the safety shield (abstract. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Perez et al with an outer sleeve having an annular ring corresponding to a locking member as taught by Jansen et al, since such a modification would provide the system with a structure to lockingly retain the safety shield. [Claims 3 and 5]

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4. Claims 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perez et al as modified by Kazama et al (4,226,491).

Perez et al disclose the claimed invention except for the fastener holders being slots/notches/holes [claims 8-10] and the flexible fasteners [claim 14] being cylindrical protrusions with enlarged heads [claims 11 and 12]. Kazama et al teach that it is known to use slots/notches/holes (41) and flexible cylindrical protrusion with enlarged heads (40) to retain a cover in a closed position (column 3, lines 31-35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Perez et al with slots/notches/holes and flexible cylindrical protrusion with enlarged heads as taught by Kazama et al to retain a cover in the closed position. [Claims 8, 9, 10, 11, 12, and 14].

Perez et al as modified by Kazama et al disclose the claimed invention but do not disclose expressly the fasteners being hooks or T-shaped tabs. It would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the system as taught by Perez et al and modified by Kazama et al with the fasteners being hooks or T-shaped tabs as opposed to cylindrical protrusions with enlarged heads, because Applicant has not disclosed the cylindrical protrusions with enlarged heads provide an advantage, are used for a particular purpose, or solve a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform well with hook or T-shaped fasteners as all three shape designs provide a closing means when engaged in an aperture and are commonly known and used in the art of fastening [Claims 13, 15, and 16].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine N. Witczak whose telephone number is (571) 272-7179. The examiner can normally be reached on Monday through Friday, 8-5 EST.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on (571) 272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Catherine Witczak
Junior Examiner
Art Unit 3767

 2/21/06



MICHAEL J. HAYES
PRIMARY EXAMINER